

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, *et al.*

DEFENDANTS

DECLARATION OF W. WAYNE DRINKWATER

Under penalty of perjury and pursuant to 28 U.S.C. § 1746, I, W. Wayne Drinkwater, hereby declare as follows:

1. I am W. Wayne Drinkwater. Together with Marcia Robinson Lowry, I have served as counsel for the Plaintiff class in this case. I am a partner in the law firm Bradley, Arant Boult Cummings LLP (“Bradley”), and I am the partner responsible for supervision of my firm’s work on this case. I give this Declaration in support of Plaintiffs’ 2017 Motion for Attorneys’ Fees.
2. My qualifications to practice law were previously set forth in my Declaration filed with this Court on April 1, 2016. [Dkt. No. 686-4].
3. I am familiar with my firm’s policies and practices governing the recording and maintenance of time records. I am also familiar with hourly rates that Bradley Arant customarily charges for professional services. It is Bradley Arant’s regular practice to bill clients for work performed by paralegals as well as lawyers. In my experience, this is standard practice among other law firms in Mississippi.
4. Attachment A to this Declaration is a compilation of billable hours devoted to this matter by Bradley Arant’s lawyers and paralegals from December 1, 2015 through November 2016. The compilation includes hourly rates which are based on the hourly

rates allowed by the Court's Order dated May 6, 2016. (Dkt. No. 691]. This compilation was generated from entries created in the ordinary course of Bradley Arant's business by persons with actual knowledge of the events recorded at or about the time of those events, and which have been maintained in the ordinary course of Bradley Arant's business. I believe this compilation to be a reasonably reliable account of the work that it reflects. This compilation was provided to defendants as part of the invoice process.

5. From the inception of our firm's work on this case, I have supervised and managed the work of Bradley Arant personnel. I have reviewed the time entries charged to this case.
6. During the period under review, legal services were performed in this case by Michael Bentley, a litigation partner in our firm. A copy of Mr. Bentley's *curriculum vitae* was previously submitted to this Court as Attachment C to my Declaration [Dkt. No.686-4]. Jeannette Altobelli, a paralegal in the office of Bradley, Arant, also performed legal services in this matter.
7. I have reviewed the legal services for which compensation is sought and in my judgment, all were reasonable and necessary to the representation of the plaintiff class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of March, 2017.


W. Wayne Drinkwater

ATTACHMENT A



Bradley Arant Boult Cummings - Pro Bono

December 7, 2016
Invoice No. 1149041

Matter No. 999000-301268
Re: ABetterChildhood

For professional services posted through November 30, 2016

Current Invoice Summary	
Current Professional Services	\$25,918.00
Current Expenses	\$0.00
Current Invoice	\$25,918.00

Thank you for your business.



Bradley Arant Boult Cummings LLP

Invoice Detail

Bradley Arant Boult Cummings - Pro Bono

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Re: ABetterChildhood

December 7, 2016

Invoice No. 1149041

Matter No. 999000-301268

For legal services posted through November 30, 2016

Professional Services

Date	Description	Tkpr	Hours	Rate	Amount
12/2/15	Email R. Fortenberry re appointment of new DFCS Director	WWD	0.20	400.00	80.00
12/4/15	TC M. Lowry	WWD	0.20	400.00	80.00
12/4/15	TCs M. Lowry and email r. Fortenberry	WWD	0.30	400.00	120.00
12/7/15	Receive and review article announcing resignation of Justice Chandler, appointment as DFCS head; email M. Lowry.	WWD	0.50	400.00	200.00
12/7/15	Emails M. Lowry	WWD	0.20	400.00	80.00
12/14/15	Review draft monitor's report, emails from M. Lowry re interim plan, need for action, and email to M. Lowry	WWD	1.50	400.00	600.00
12/16/15	Prepare for and participate in conference with defendants on interim agreement	WWD	7.00	400.00	2,800.00
12/17/15	Work on interim order and emails to M. Lowry and S. Glasser	WWD	1.50	400.00	600.00
12/17/15	TCs M. Lowry and S. Glasser and revise interim order; emails R. Fortenberry	WWD	1.30	400.00	520.00
12/17/15	Work on email to Lisa Evans re in camera review	WWD	0.50	400.00	200.00
12/17/15	Work on interim order, emails other counsel, prepare for conference call	WWD	1.20	400.00	480.00
12/17/15	Obtain order for W.Drinkwater review and prepare in-camera submission for W.Drinkwater review	JGAL	0.60	110.00	66.00
12/18/15	Work on interim remedial order, TCs M. Lowry re order, hearing	WWD	1.20	400.00	480.00
12/18/15	TCs, emails M. Lowry re interim remedial order, issues for hearing	WWD	0.50	400.00	200.00
12/20/15	Prepare for hearing, receive and review emails, final interim remedial order	WWD	0.50	400.00	200.00
12/21/15	Meeting with Marcia Lowry and Sara Glasser; participate in hearing before Judge Lee; conf. with Lowry and Glasser.	WWD	2.00	400.00	800.00
12/21/15	Emails G. Lopes, M. Lowry re redactions to monitor's report; reviewed report.	WWD	0.50	400.00	200.00



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For legal services posted through November 30, 2016

Date	Description	Tkpr	Hours	Rate	Amount
12/22/15	Emails M. Lowry, received and reviewed order from court.	WWD	0.20	400.00	80.00
1/4/16	Emails M. Lowry and S. Glasser; review press release	WWD	0.30	400.00	120.00
1/5/16	Review emails from S. Glasser, work on press release, email to Glasser and M. Lowry	WWD	1.00	400.00	400.00
1/5/16	Emails M. Lowry, S. Glasser, work on release	WWD	0.50	400.00	200.00
1/7/16	Review monitor's interim report, emails from other counsel; TC press inquiries	WWD	0.80	400.00	320.00
1/8/16	Review monitor's report, emails, articles	WWD	0.40	400.00	160.00
1/8/16	TC parent of foster child re problems with Rankin County	WWD	0.20	400.00	80.00
1/14/16	Receive and review email, articles from Dr. Pollack; email Dr. Pollack	WWD	0.20	400.00	80.00
1/18/16	Review NY Times article on lawsuit and foster care system conditions	MJB	0.20	217.50	43.50
2/1/16	Receive and review email from M. Lowry re future proceedings	WWD	0.20	400.00	80.00
2/4/16	Draft email to M. Lowry regarding media coverage of Olivia Y lawsuit	MJB	0.40	217.50	87.00
2/9/16	Emails M. Lowry	WWD	0.20	400.00	80.00
2/19/16	Emails M. Lowry re negotiations	WWD	0.20	400.00	80.00
2/29/16	TC, emails M. Lowry re Public Catalyst, attorney's fee issues	WWD	0.30	400.00	120.00
3/11/16	Prepare declaration in support of attorney's fee motion; TC M. Lowry	WWD	0.70	400.00	280.00
3/11/16	Emails M. Lowry re receiver, future proceedings	WWD	0.20	400.00	80.00
3/11/16	Work on attorney's fees issues, emails and TC M. Lowry	WWD	0.80	400.00	320.00
3/14/16	Review emails	WWD	0.20	400.00	80.00
3/15/16	Email M. Lowry, review resume of Tracy Malone	WWD	0.20	400.00	80.00
3/16/16	Email R. Fortenberry re meeting	WWD	0.10	400.00	40.00
3/16/16	Emails M. Lowry re attorney's fee claim, declarations	WWD	0.20	400.00	80.00



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Date	Description	Tkpr	Hours	Rate	Amount
3/17/16	TC R. Fortenberry re meetings, work on attorney's fee application	WWD	0.20	400.00	80.00
3/17/16	Letter to Luke Dove, work on attorney's fee award, emails from M. Lowry.	WWD	0.50	400.00	200.00
3/17/16	Emails M. Lowry, K. Ryan	WWD	0.20	400.00	80.00
3/17/16	Review docket and obtain L.Dove affidavit to forward to W.Drinkwater	JGAL	0.20	110.00	22.00
3/18/16	Receive and review draft brief, declarations	WWD	0.50	400.00	200.00
3/21/16	Emails M. Lowry, review agenda for meeting with AG.	WWD	0.30	400.00	120.00
3/22/16	Receive and review email from Luke Dove, work on attorney's fee documents	WWD	1.50	400.00	600.00
3/23/16	Receive and review email from L. Dove, work on attorneys' fee award	WWD	0.50	400.00	200.00
3/24/16	Work on brief in support of attorneys' fee motion, revise declaration and emails S. Robinson-Glasser	WWD	2.50	400.00	1,000.00
3/24/16	Advise S.Glasser regarding local filing rules for fee motions and accompanying declarations	MJB	0.30	217.50	65.25
3/25/16	Emails with S.Glasser regarding local practice on proposed orders and fee requests	MJB	0.30	217.50	65.25
3/28/16	Emails M.Lowry, R. Fortenberry, arrange for negotiations	WWD	0.50	400.00	200.00
3/28/16	Receive and review emails from K. Ryan, M. Lowry re negotiations	WWD	0.40	400.00	160.00
3/28/16	Confer with S.Glasser and W.Drinkwater regarding final revisions to attorneys' fee declaration	MJB	0.30	217.50	65.25
3/30/16	Review final drafts of motion, brief, and exhibits provided by S.Jaffe and propose edits to same	MJB	0.30	217.50	65.25
3/31/16	Work on attorney's fee award	WWD	0.20	400.00	80.00
3/31/16	Emails re attorney's fee motions, conf. M. Bentley	WWD	0.20	400.00	80.00
3/31/16	Review revised fee motion and brief and emails with S.Jaffe regarding preparations for filing same	MJB	0.40	217.50	87.00
4/1/16	Emails re declaration of Luke Dove, attorney's fee motion; conf. M. Bentley; emails S. Jaffe re filing of motion, brief	WWD	0.40	400.00	160.00



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Date	Description	Tkpr	Hours	Rate	Amount
4/1/16	Emails S. Jaffe	WWD	0.20	400.00	80.00
4/1/16	Review W.Drinkwater declaration in support of fee request and compile exhibits supporting same (0.6); review, finalize, and coordinate filing of motion for attorneys' fees and supporting exhibits (0.4)	MJB	1.00	217.50	217.50
4/7/16	Emails re negotiation session	WWD	0.30	400.00	120.00
4/8/16	Emails M. Lowry, R. Fortenberry; prepare for meeting	WWD	0.50	400.00	200.00
4/10/16	Prepare for meeting with state, other parties	WWD	0.90	400.00	360.00
4/11/16	Meet with Marcia Lowry and Sara Glasser; meet with State counsel, monitor, Public Catalyst; continue discussions with plaintiff's counsel and Public Catalyst.	WWD	7.80	400.00	3,120.00
4/12/16	Conf. M. Lowry, meetings with Public Catalyst, monitor.	WWD	4.00	400.00	1,600.00
4/12/16	Emails re meeting	WWD	0.20	400.00	80.00
4/13/16	Emails M. Lowry, S. Glasser, other counsel	WWD	0.30	400.00	120.00
4/17/16	Email R. Fortenberry re appropriation	WWD	0.10	400.00	40.00
4/18/16	Emails M. Lowry re appropriation, attorney's fee motion	WWD	0.30	400.00	120.00
4/20/16	Review S.B. 2179, emails R. Fortenberry, M. Lowry	WWD	0.60	400.00	240.00
4/20/16	Work on attorney's fee issues, emails M. Lowry	WWD	0.40	400.00	160.00
4/21/16	Emails S. Glasser, M. Lowry; review and edit reply brief	WWD	1.20	400.00	480.00
4/21/16	Emails with S.Glasser to coordinate filing of reply in support of fee motion	MJB	0.10	217.50	21.75
4/22/16	Edit reply brief, and emails to M. Lowry, S. Glasser, M. Bentley	WWD	0.60	400.00	240.00
4/22/16	Review W.Drinkwater's proposed revisions to reply brief in support of fee motion (0.1); review and file reply in support of fee motion and proposed order granting fees (0.6)	MJB	0.70	217.50	152.25
4/26/16	Receive and review email from M. Lowry	WWD	0.20	400.00	80.00
5/2/16	Emails M. Lowry	WWD	0.20	400.00	80.00
5/5/16	Emails, TC M. Lowry re revisions to interim	WWD	0.30	400.00	120.00



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Date	Description	Tkpr	Hours	Rate	Amount
	remedial order, future proceedings.				
5/6/16	Receive and review order on attorney's fees and expenses; emails M. Lowry re same, future proceedings	WWD	0.50	400.00	200.00
5/6/16	Emails R. Fortenberry, M. Lowry re second remedial order	WWD	0.20	400.00	80.00
5/8/16	Emails re second remedial order	WWD	0.20	400.00	80.00
5/9/16	Emails S. Glasser	WWD	0.20	400.00	80.00
5/10/16	Emails S. Glasser, R. Fortenberry	WWD	0.20	400.00	80.00
5/24/16	Emails re July 12 meeting, attorneys' fee award	WWD	0.30	400.00	120.00
8/1/16	Emails M. Lowry re meetings on August 17-18.	WWD	0.20	400.00	80.00
8/13/16	Receive and review email from M. Lowry, draft order	WWD	0.30	400.00	120.00
8/15/16	Review proposed order, email	WWD	0.20	400.00	80.00
8/15/16	Email M. Lowry	WWD	0.20	400.00	80.00
8/16/16	TC M. Lowry re meeting with State	WWD	0.20	400.00	80.00
8/16/16	Prepare for meeting with State.	WWD	0.60	400.00	240.00
8/17/16	Meet with Sara Glasser and M. Lowry; travel to Baker Donelson and participate in meeting with State, Public Catalyst	WWD	3.70	400.00	1,480.00
8/17/16	Emails G. Lopes re meeting	WWD	0.20	400.00	80.00
8/18/16	Emails M. Lowry	WWD	0.20	400.00	80.00
8/19/16	Email M. Lowry	WWD	0.10	400.00	40.00
8/25/16	Email M. Lowry.	WWD	0.20	400.00	80.00
9/13/16	Emails M. Lowry, Kenya at Baker Donaldson re response to our proposal, deaths of children	WWD	0.20	400.00	80.00
9/15/16	Email M. Lowry re emergency relief, future proceedings	WWD	0.20	400.00	80.00
9/21/16	Receive and review emails, draft remedial orders from M. Lowry	WWD	0.40	400.00	160.00
9/22/16	Review emails from M. Lowry re remedial order	WWD	0.30	400.00	120.00
10/10/16	Meeting with Sara Glasser and Marcia Lowry re negotiation	WWD	0.60	400.00	240.00



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Date	Description	Tkpr	Hours	Rate	Amount
10/10/16	Emails S. Glasser and M. Lowry re meeting	WWD	0.20	400.00	80.00
11/1/16	Emails M. Lowry re negotiations with State on MSA	WWD	0.20	400.00	80.00
11/2/16	Emails M. Lowry re negotiations	WWD	0.10	400.00	40.00
11/7/16	Emails M. Lowry re negotiations	WWD	0.20	400.00	80.00
11/14/16	Emails M. Lowry re changes in Congress; TC Eric Jerschied	WWD	0.30	400.00	120.00

Total Professional Services**\$25,918.00**

Expenses

Date	Description	Amount
3/9/16	Copy Charges	0.00
3/9/16	Copy Charges	0.00
3/31/16	FED DOCKET SERV-PACER	0.00

Total Expenses**\$0.00**

Timekeeper Summary

Timekeeper	Initials	Title	Hours	Rate	Amount
Michael J. Bentley	MJB	Partner	4.00	\$217.50	\$870.00
W. Wayne Drinkwater, Jr.	WWD	Partner	62.40	\$400.00	\$24,960.00
Jeannette Altobelli	JGAL	Paralegal	0.80	\$110.00	\$88.00

Total Professional Services**\$25,918.00**